

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE:
JENNIFER LEIGH BLANKS,

DEBTOR,

CASE NO.: 23-52106-JRS

JUDGE SACCA

JENNIFER LEIGH BLANKS,
v.

HSBC BANK USA, N.A.
c/o NATIONSTAR MORTGAGE LLC,

RESPONDENT.

CONTESTED MATTER

NOTICE OF HEARING ON MOTION FOR SANCTIONS

PLEASE TAKE NOTICE that the above-named Debtor has filed a Motion for Sanctions (the “Motion”) and related papers with the Court seeking an order granting sanction against the Respondent.

PLEASE TAKE FURTHER NOTICE that the Court will hold an initial telephonic hearing for announcements on the Motion at the following number: toll-free number 833-568-8864; meeting id 161 418 0533, at 9:40 A.M. on April 27, 2023, in Courtroom 1404, United States Courthouse, 75 Ted Turner Drive, SW, Atlanta Georgia.

Matters that need to be heard further by the Court may be heard by telephone, by video conference, or in person, either on the date set forth above or on some other day, all as determined by the Court in connection with this initial telephonic hearing. Please review the “Hearing Information” tab on the judge’s webpage, which can be found under the “Dial-in and Virtual Bankruptcy Hearing Information” link at the top of the webpage for this Court, www.ganb.uscourts.gov for more information.

Your rights may be affected by the court’s ruling on these pleadings. You should read these pleadings carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.) If you do not want the court to grant the relief sought in these pleadings or if you want the court to consider your views, then you and/or your attorney must attend the hearing. You may also file a written response to the pleading with the Clerk at the address stated below, but you are not required to do so. If you file a written response, you must attach a certificate stating when, how and on whom (including addresses) you served the response. Mail or deliver your response so that it is received by the Clerk at least two business days before the hearing. The address of the Clerk’s Office is: Clerk, U.S. Bankruptcy Court, Suite 1340, 75 Ted Turner Drive, SW, Atlanta, Georgia 30303. You must also mail a copy of your response to the undersigned at the address stated below.

Dated: March 24, 2023.

/s/Stanley J. Kakol, Jr.
Stanley J. Kakol, Jr.
Law Offices of Stanley J. Kakol, Jr.
5353 Fairington Road, Suite C
Lithonia, Georgia 30038
Debtor’s Attorney

**UNITED STATES BANKRUPTCY COURT
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**IN RE:
JENNIFER LEIGH BLANKS,

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HSBC BANK USA, N.A.
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RESPONDENT.**

CONTESTED MATTER

MOTION FOR SANCTIONS

COMES NOW Debtor, by and through undersigned counsel, and files this “Motion for Sanctions” and shows to this Honorable Court the following:

1.

Debtor filed for relief under 11 U.S.C. Chapter 13 on March 4, 2023.

2.

Debtor’s proposed Chapter 13 Plan provides for arrearage payment to the Respondent as the mortgage lien holder to Debtor’s real estate located at 7201 Capps Ferry Road, Douglasville, GA 30135.

3.

On or about March 7, 2023, the Respondent, through its agents placed a Notice of Third Party Purchase on Debtor’s front door **after** the filing of the instant case, and **after** being notified of the client’s bankruptcy filing. Notice attached hereto as Exhibit “A”.

4.

Respondent’s actions have continued on, as of the filing of this Motion, causing Debtor extreme emotional distress for several days as she was uncertain when would Respondent’s agents come to her home and force her to vacate her property. Moreover, Debtor was confined at home and unable to tend to her business for over a week for fear of being evicted and finding her belongings thrown out.

5.

Defendant's actions after being informed of the bankruptcy filing, constitutes a knowing and willful violation of 11 U.S.C. Section 362(a). As such, Debtor is entitled to damages pursuant to 11 U.S.C. Section 362(k), including actual damages and punitive damages to deter Defendant from taking such course of action in the future.

6.

Debtor requests that the Defendant pay \$6,000.00 in damages to deter Defendant from engaging in such contumacious activity in the future.

WHEREFORE, Debtor prays:

- a) That this Motion be filed, read, and considered;
- b) That this Honorable Court grant Debtor's Motion for Sanctions;
- c) That this Honorable Court award damages to the Debtor in an amount to be determined by this Court;
- d) That this Honorable Court grant such further and other relief as it may deem just and proper.

Dated: March 24, 2023.

Respectfully submitted,
/s/Stanley J. Kakol, Jr.
Stanley J. Kakol, Jr.
Law Offices of Stanley J. Kakol, Jr.
5353 Fairington Road, Suite C
Lithonia, Georgia 30038
770-800-0440
Debtor's Attorney

CERTIFICATE OF SERVICE

I, the undersigned, certify under penalty of perjury that on this day I served the following parties with a copy of the within and foregoing "**Motion for Sanctions and Notice of Hearing**" by electronic mail, fax and/or by placing true copies of same in the United States Mail with adequate postage affixed to ensure delivery, addressed to:

Nancy J. Whaley – served by ECF system
Standing Chapter 13 Trustee
SunTrust Plaza Garden Offices
Suite 120
303 Peachtree Center Ave
Atlanta, GA 30303

Jennifer Leigh Blanks
7201 Capps Ferry Road
Douglasville, GA 30135

HSBC Bank USA, National Association
c/o Robertson, Anschutz, Schneid, Crane & Partners, PLLC
Attn. Andrea L. Betts, Esq (per poc)
10700 Abbott's Bridge Road, Suite 170
Duluth, GA 30097

HSBC Bank USA, National Association
c/o Nationstar Mortgage LLC
Attn: Bankruptcy Dept
PO Box 619096
Dallas, TX 75261

Dated: March 24, 2023.

/s/Stanley J. Kakol, Jr.
Stanley J. Kakol, Jr.
Law Offices of Stanley J. Kakol, Jr.
5353 Fairington Road, Suite C
Lithonia, Georgia 30038
770-800-0440
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